



## REGIONAL COUNCIL MINUTES

Wednesday, February 23, 2011

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The following are the minutes of the Regular Council meeting held at 8:10 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, J. Brewer, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell\*, S. Strickland, and C. Zehr.

Members Absent: J. Wideman

### **DECLARATIONS OF PECUNIARY INTEREST UNDER *THE MUNICIPAL CONFLICT OF INTEREST ACT***

None declared.

### **PRESENTATIONS**

- a) Bob Chodos, past Chair of the Region of Waterloo Arts Fund, presented the Annual Report to Council; a copy of his presentation is appended to the original minutes. He acknowledged the challenges facing Regional Council in setting their budget given the constant and urgent demands of a diverse community. He stated that Regional support of the Arts Fund has enhanced the core mandate of “make art happen” and has resulted in more than \$1.25 million of grants to local artists and organizations.

\* J. Mitchell joined the meeting at 8:14 p.m.

B. Chodos provided an overview of the granting process and the level of competition for the limited granting dollars available. He advised that in the most recent round of applications, the ratio of the amount allocated to the amount requested was just over 20% and suggested that Regional Council consider increased per capita allocation in a future budget to meet the local demand. He provided examples of successful grant projects and encouraged Council to review the website. He advised that the Board continues to undertake due diligence in ensuring accountability for the dispersed grants through its Final Report review process and he outlined the efforts made during the past year.

In closing, he thanked Regional Council for their continued financial support of what the Arts Fund Board firmly believes to be an exceptional program.

### **DELEGATIONS**

- a) Maureen Innes, Waterloo, addressed Council on the issue of Quality of Life on Residents Backing on to the Ira Needles Corridor; a copy of her presentation is appended to the original minutes. Ms. Innes provided an overview of the sense of community that has evolved in her neighbourhood and the quality of life experienced prior to 2006, when development of the Ira Needles corridor began. She described the living conditions during the construction which include increased traffic noise; dust storms; displaced animal life; light pollution and the reduced access to outdoor living. Ms. Innes outlined the efforts made to resolve issues with local municipal officials and the developer.

She stated that the Official Plan in 1990 indicated light arterial development. Chair Seiling sought to clarify the zoning and confirmed that, in fact, the Plan indicated light industrial zoning for that area at the time.

Ms. Innes expressed concern for the quality of life in her neighbourhood in the future as she expects construction to continue for several years. She requested that the Region install noise barriers along the subdivision and restrict lighting in the corridor. In response to her request, Chair Seiling stated that noise barriers do fall under Regional jurisdiction and he inquired if Ms. Innes has met with Regional staff to discuss the current policy for installation. Ms. Innes responded that she and her neighbours are aware of the policy but wish to seek an exemption.

Thomas Schmidt, Commissioner, Transportation and Environmental Services, stated that correspondence, regarding the issue of installation of a noise barrier, was prepared by Regional staff in early December 2010 and that Ms. Innes was advised of the current policy and the proposal of a 50/50 cost shared installation. He stated that the total cost for approximately 430 metres of noise barrier wall would be in the range of \$350-430,000.

S. Strickland stated that he will be bringing forward a Notice of Motion to the March 23, 2011 Council meeting to support the Region's installation and full funding of a noise barrier. He cited other local subdivisions where the noise barriers have been installed and paid for by developers. He requested that staff take into consideration the extenuating circumstances of Ms. Innes' neighbourhood location. Chair Seiling stated that Council requires a full report on this matter before considering an exemption, per Regional procedures. T. Schmidt confirmed that staff will prepare a report which will include other sites with similar conditions and the impact of an exemption.

J. Mitchell requested a copy of the staff correspondence; this will be distributed to all Councillors prior to the next Council meeting. B. Halloran indicated that staff at the City of Waterloo has been assisting the neighbourhood community in arranging meetings with Regional staff and that she is disappointed with the results of the Region's response. Council requested that the staff report respond to the following issues: the identification of another location within the Region where identical development circumstances exist and whether the City of Waterloo is willing to assist in offsetting some of the residents' expenses in the cost-sharing proposal.

In response to a Council inquiry about the registration and construction of the commercial development, Rob Horne, Commissioner, Planning, Housing and Community Services, stated that the construction began last year and that all approvals were finalized in 2010. He advised that the zoning is a combination of commercial and light industrial but predominantly light industrial. Council briefly discussed the pre-existing zoning and the subsequent amendments to the zoning.

In response to a Council question about the responsibility of the developer to install noise barriers along the properties that back onto Ira Needles Boulevard, R. Horne stated that the pre-existing and current noise levels are the basis for the application of the Regional policy and that this issue is addressed in the correspondence to Ms. Innes.

## **MINUTES OF PREVIOUS MEETINGS**

MOVED by G. Lorentz

SECONDED by J. Brewer

THAT the following Minutes be approved:

- a) Budget – February 2, 2011
- b) Budget Public Input – February 2, 2011
- c) Council – February 2, 2011
- d) Closed Committee – February 15, 2011
- e) Planning & Works – February 15, 2011
- f) Administration & Finance – February 15, 2011
- g) Community Services – February 15, 2011
- h) Library – February 15, 2011

CARRIED

MOVED by J. Haalboom

SECONDED by L. Armstrong

THAT Council go into Committee of the Whole to consider reports.

CARRIED

#### **FINANCE REPORTS**

- a) F-11-011, P2010-54 Security Services Region of Waterloo, Regional Buildings and Properties, Cambridge, Kitchener, and Waterloo

MOVED by R. Kelterborn

SECONDED by B. Halloran

THAT the Regional Municipality of Waterloo accept the proposal of Barber-Collins Security Services Ltd. for P2010-54 Security Services Region of Waterloo, Regional Buildings and Properties, Cambridge, Kitchener and Waterloo for a three (3) year term commencing March 1, 2011 at a total price of \$4,021,758.39 including all applicable taxes;

AND THAT the Regional Municipality of Waterloo grant pre-budget approval to cover the 2011 expenditures for this tender.

CARRIED

- b) F-11-012, Water Services SCADA Software Procurement

MOVED by R. Kelterborn

SECONDED by B. Halloran

THAT the Regional Municipality of Waterloo accept the proposal of GE Intelligent Platforms Canada c/o Gray Matter Systems Canada Inc., for the supply of SCADA software to an upset amount of \$269,019.10 including all applicable taxes.

CARRIED

**COMMITTEE REPORTS**Planning and Works

Councillor Haalboom requested that item 5 be taken separately.

The Summary of Recommendations of the Planning and Works Committee was presented by Geoff Lorentz, Vice Chair of the Committee.

MOVED by G. Lorentz

SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Planning and Works Committee, dated February 15, 2011, Items 1 to 4; 6 to 12, and 2 reports from closed session, Items 13 and 14, be adopted as follows:

1. THAT Report E-11-020 Fountain Street - King Street Improvements, Shantz Hill Road to Eagle Street, City of Cambridge Class Environmental Assessment, Recommended Design Concept be referred to the project team and staff for further consideration.
2. THAT Report E-10-088, South Boundary Corridor and Franklin Boulevard Extension Class Environmental Assessment, City of Cambridge and Township of North Dumfries - Recommended Design Alternative be referred back to staff.
3. THAT the Region of Waterloo accept P-11-006, Monthly Report of Development Activity for January 2011, dated February 15, 2011.
4. THAT the Regional Municipality of Waterloo approve the following actions, as described in Report P-11-013, dated February 15, 2011 with respect to the new Regional Official Plan:
  - a) Ratify the Notice of Appeal dated January 21, 2011 filed by the Regional Commissioner of Planning, Housing and Community Services at the direction of Regional Council with respect to the Notice of Decision of the Minister of Municipal Affairs and Housing dated December 22, 2010;
  - b) Request the Ontario Municipal Board to move immediately toward a pre-hearing to identify the parties and participants of the hearing, and clarify and/or reduce the number of issues under appeal; and
  - c) Authorize Regional staff to participate and take any necessary steps in the Ontario Municipal Board process, including the negotiation and resolution of appeals, and direct the Regional Solicitor to retain such experts and legal counsel, all as deemed necessary and appropriate, by the Regional Solicitor and the Commissioner of Planning, Housing and Community Services to protect the Regional interest in this matter, as expressed by Regional Council through the adoption of the new Regional Official Plan on June 16, 2009 and in subsequent submissions to the Province.
6. THAT the Regional Municipality of Waterloo grant pre-budget approval in the amount of \$21.965 million prior to finalization of the 2011 Regional budget in March 2011, to allow the tendering and contract award of selected 2011 capital projects in the first quarter of 2011.[E-11-001]

7. THAT the Regional Municipality of Waterloo enter into a Consulting Services Agreement with AECOM to provide consulting engineering services for the Class Environmental Assessment and Preliminary Design Study for the proposed improvements to Ottawa Street between King Street and Mill Street in the City of Kitchener for an upset limit fee of \$402,612.00 plus applicable taxes. [E-11-018]

AND THAT the Regional Municipality of Waterloo grant pre-budget approval, for this phase of the project, prior to approval of the 2011 Ten Year Transportation Capital Program.

8. That the Regional Municipality of Waterloo accept the proposal of HSI Inc. for the supply of two (2) high speed turbo blowers for the Kitchener Wastewater Treatment Plant (WWTP) Plant 1 in the amount of \$508,367.79 including applicable taxes. [E-11-022]
9. THAT the Regional Municipality of Waterloo enter into an agreement with Grand River Conservation Authority and Rockway Holdings Ltd. to provide for installation of sanitary and storm sewer services under the Fairway Road Extension for future potential servicing of lands owned by Rockway Holdings Ltd. and Grand River Conservation Authority, and a storm sewer channel across lands owned by Grand River Conservation Authority to service the Fairway Road Extension, as described in Report No. CR-RS-11-009, subject to such agreement being satisfactory to the Commissioner of Transportation and Environmental Services and the Regional Solicitor.
10. THAT The Regional Municipality of Waterloo approve in principle draft Grand River Transit Policy – Onboard Mobile Surveillance Systems, attached as Appendix A to this Report, and consult the public in relation to the draft Policy, pursuant to Report E-11-025 dated February 15, 2011.
11. That the Regional Municipality of Waterloo extend AECOM's consulting assignment for the Pre-Design of the Kitchener Wastewater Treatment Plant Upgrades (Planning & Works Report E-10-071 of June 22, 2010) to include engineering services for the detailed design and services during construction for Plant 1 Upgrades at an additional upset fee limit of \$330,000.00 plus applicable taxes at a grand total of \$2,428,275 plus applicable taxes. [E-11-017]
12. THAT the Regional Municipality of Waterloo enter into a Consulting Services Agreement with AECOM Canada Ltd. of Kitchener, Ontario, to provide consulting engineering services for undertaking the West Montrose Water Supply System Class Environmental Assessment (EA) preliminary design and disinfection upgrades, at an upset limit of \$478,215 plus applicable taxes, as per Report E-11-019, dated February 15, 2011.

AND THAT the Regional Municipality of Waterloo grant pre-budget approval, for this phase of the project, prior to approval of the 2011 Ten Year Water Capital Program.

13. THAT the Region of Waterloo appoint Bruce Bieth to the Laurel Creek Headwaters Environmentally Sensitive Landscape Public Liaison Committee for a one-year term expiring December 31, 2011.
14. THAT the Regional Municipality of Waterloo approve, enter into Agreements for, and execute all documentation related to, the acquisition of lands for improvements to Trussler Road described as Part Lot 2, Block A, Concession 3, being Parts 5, 6 and 7, on Reference Plan 58R-16920, in the Township of Wilmot, Regional Municipality of Waterloo from Glenn Rodney Sider and Susan Diane Sider for the sum of \$6,000.00, plus associated costs to the satisfaction of the Regional Solicitor.

CARRIED

MOVED by G. Lorentz  
SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Planning and Works Committee, dated February 15, 2011, Item 5, be adopted as follows:

5. THAT the Regional Municipality of Waterloo approve an amendment to Controlled Access By-law #58-87 to close a right-in, right-out, left-in only access on the east side of Regional Road #28 (Homer Watson Boulevard) approximately 257 metres south of Block Line Road and a right-in, right-out only access on the east side of Regional Road #28 (Homer Watson Boulevard) to the commercial block south of Block Line Road in the City of Kitchener;

AND THAT the Regional Municipality of Waterloo approve an amendment to Controlled Access By-law #58-87 for a right-in, right-out, left-in only access on the east side of Regional Road #28 (Homer Watson Boulevard) approximately 251 metres south of Block Line Road and a right-in, right-out only access on the east side of Homer Watson Boulevard approximately 145 metres south of Block Line Road in the City of Kitchener with both accesses being subject to approval of a site plan by the City of Kitchener as described in P-11-014, dated February 15, 2011.

CARRIED, J. Haalboom opposed

#### Administration and Finance

The Summary of Recommendations of the Administration and Finance Committee was presented by Tom Galloway, Chair of the Committee.

MOVED by T. Galloway  
SECONDED by B. Halloran

THAT the Summary of Recommendations of the Administration and Finance Committee dated February 15, 2011, Items 1 to 3, be adopted as follows:

1. THAT the Regional Municipality of Waterloo adopt the 2011 Accessibility Plan;  
  
AND THAT the 2011 Accessibility Plan be sent to the Ministry of Community and Social Services for information as outlined in Report CR-CLK-11-002.
2. THAT the Regional Municipality of Waterloo appoint Tim Beckett, City of Kitchener Fire Chief, as Regional Fire Coordinator, and Lyle Quan, City of Waterloo, General Manager of Protective Services/Fire Chief as Deputy Regional Fire Coordinator effective January 1, 2011 to December 31, 2011, as outlined in Report CA-EM-11-001 dated February 15, 2011.
3. THAT the Regional Municipality of Waterloo approve proceeding with the Construction Tender for the Waterloo Regional Police Services New North Division as described in Report CR-FM-11-03, dated February 15, 2011.

CARRIED

Community Services

The Summary of Recommendation of the Community Services Committee was presented by Sean Strickland, Chair of the Committee.

MOVED by S. Strickland  
SECONDED by R. Kelterborn

THAT the Summary of Recommendation of the Community Services Committee dated February 15, 2011, Item 1, be adopted as follows:

1. THAT the Regional Municipality of Waterloo approve a write-off of \$95,882.53 in Accounts Receivable for the year ended December 31, 2010, as outlined in Report SS-11-009, dated February 15, 2011.

CARRIED

Library

The Summary of Recommendations of the Library Committee was presented by Todd Cowan, Chair of the Committee.

MOVED by T. Cowan  
SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Library Committee dated February 15, 2011, Items 1 to 2, be adopted as follows:

1. THAT the Regional Municipality of Waterloo take the following actions with respect to Report P-LIB-11-001, dated February 15, 2011:
  - a) Appoint Todd Cowan to the Southern Ontario Library Service Trustee Council as a representative of the Region of Waterloo Library; and
  - b) Authorize the Library Chair to make submissions to senior government levels in response to time-sensitive initiatives.
2. THAT the Library Committee approve the submission of correspondence to L. Pendergast, M.P.P. (Kitchener-Conestoga) seeking support for increased funding for provincial operating grants to public libraries.

CARRIED

Budget

The Summary of Recommendations of the Budget Committee was presented by Tom Galloway, Chair of the Committee. Councillor Strickland requested that each item be taken separately.

MOVED by T. Galloway  
SECONDED by R. Kelterborn

1. THAT the Regional Municipality of Waterloo approve for Water Supply, the 2011 Operating Budget, the 2011 Capital Budget and the 2012-2020 Capital Forecast.

THAT the Regional Municipality of Waterloo approve a Regional Water Rate of **\$0.7775** per cubic metre effective March 1, 2011 and that the necessary by-law be introduced.

CARRIED

MOVED by T. Galloway  
SECONDED by R. Kelterborn

2. THAT the Regional Municipality of Waterloo approve for Wastewater Treatment, the 2011 Operating Budget, the 2011 Capital Budget and the 2012-2020 Capital Forecast.

THAT the Regional Municipality of Waterloo approve a Regional Wastewater Rate of **\$0.6965** per cubic metre effective March 1, 2011 and that the necessary by-law be introduced.

CARRIED

MOVED by T. Galloway  
SECONDED by R. Kelterborn

3. THAT the Regional Municipality of Waterloo approve the 2011 Operating Budget, the 2011 Capital Budget and the 2012-2020 Capital Forecast for the Retail Water Distribution System.

THAT the Regional Municipality of Waterloo approve a Retail Water Rate of **\$1.52** per cubic metre effective March 1, 2011 and that the necessary by-law be introduced.

THAT the Regional Municipality of Waterloo approve a monthly maintenance fee of \$5.00 per account for the customers of the Retail Water Distribution System effective March 1, 2011 and that the necessary by-law be introduced.

CARRIED

MOVED by T. Galloway  
SECONDED by R. Kelterborn

4. THAT the Regional Municipality of Waterloo approve the 2011 Operating Budget, the 2011 Capital Budget and the 2012-2020 Capital Forecast for the Retail Wastewater Collection System.

THAT the Regional Municipality of Waterloo approve a Retail Wastewater Rate of **\$1.35** per cubic metre effective March 1, 2011 and that the necessary by-law be introduced.

THAT the Regional Municipality of Waterloo approve a monthly maintenance fee of \$4.00 per account for the customers of the Retail Wastewater Collection System effective March 1, 2011 and that the necessary by-law be introduced.

THAT the Regional Municipality of Waterloo approve an increase of 7.9% to the flat annual rate that is currently being charged per residential connection and per commercial/industrial connection for the users of the Wastewater Collection System that do not have a water meter installed effective March 1, 2011 and that the necessary by-law be introduced.

CARRIED



**OTHER MATTERS UNDER COMMITTEE OF THE WHOLE**

MOVED by G. Lorentz  
SECONDED by C. Millar

THAT Committee of the Whole rise and Council resume.

CARRIED

MOVED by J. Brewer  
SECONDED by C. Zehr

THAT Council adopt the proceeding of the Committee of the Whole.

CARRIED

**OTHER BUSINESS**

a) Intersection of Westforest Trail and Victoria Street

C. Zehr expressed his concern with the lack of traffic lights at the intersection of Westforest Trail and Victoria Street, specifically the potential risk to children crossing. He requested that staff review this intersection and bring a report back to the Planning and Works Committee.

b) Parking for Patrons of Registry Theatre

J. Haalboom asked that staff consider the arrangement of access to the parking garage for patrons of the Registry Theatre during evening performances. Chair Seiling stated that the matter falls under the jurisdiction of the City of Kitchener as they operate the garage.

c) Petition Regarding the Ira Needles Boulevard roundabout

J. Mitchell requested that a copy of the petition received from residents living near the Ira Needles Boulevard and Erb Street roundabout be shared with Councillors and that a staff report be prepared to review the issues raised about pedestrian safety. Chair Seiling advised that the petition has been forwarded to the Transportation and Environmental Services department. T. Schmidt stated that staff have contacted the petitioners.

d) Water Treatment Technology Conference

In response to J. Brewer's request for a presentation about the staff trip and conference presentation on the water treatment technology that is being implemented by Regional staff, T. Schmidt advised that arrangements can be made for a future presentation to Council.

**ENACTMENT OF BY-LAWS – (FIRST, SECOND & THIRD READINGS)**

MOVED by B. Halloran  
SECONDED by R. Kelterborn

a) THAT a By-law to Amend By-law Number 58-87, as amended, Being a By-law to Designate and Regulate Controlled Access Roads (Homer Watson Boulevard, City of Kitchener) be read a first, second and third time, finally passed and numbered 11-008

signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

- b) THAT A By-law to Provide for the Appointment of a Regional Fire Coordinator and a Deputy Regional Fire Coordinator and to Repeal By-law 10-007 be read a first, second and third time, finally passed and numbered 11-009 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- c) THAT A By-law to Amend the Wholesale Rates By-law 33-90 and to Repeal By-Law 09-057 be read a first, second and third time, finally passed and numbered 11-010 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- d) THAT A By-law to Impose a Water Service Rate in the Townships of Wellesley and North Dumfries and to Repeal By-law 09-058 be read a first, second and third time, finally passed and numbered 11-011 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- e) THAT A By-law to Impose a Sewage Service Rate in the Townships of Wellesley and North Dumfries and to Repeal By-law 09-059 be read a first, second and third time, finally passed and numbered 11-012 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- f) THAT A By-law to Impose the Regional Sewage Rate and to Repeal By-law 09-060 be read a first, second and third time, finally passed and numbered 11-013 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- g) THAT a By-law to Confirm the Actions of Council of February 23, 2011 be read a first, second and third time, finally passed and numbered 11-014 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED

## **ADJOURN**

MOVED by J. Brewer

SECONDED by T. Cowan

THAT the meeting adjourn at 8:59 p.m.

CARRIED

**REGIONAL CHAIR, *K. Seiling***

**REGIONAL DEPUTY CLERK, *L. Wetzel***